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PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

12

|                      |                      |
|----------------------|----------------------|
| Application Number   | 10/660,344           |
| Filing Date          | September 10, 2003   |
| First Named Inventor | Darin Barri          |
| Art Unit             | 3712                 |
| Examiner Name        | Urszula M. Cegielnik |

Attorney Docket Number

MAT 3H5

### ENCLOSURES (Check all that apply)

|   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks   |  |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                         |          |        |
|--------------|-------------------------|----------|--------|
| Firm Name    | Kolisch Hartwell, P.C.  |          |        |
| Signature    | <i>Charles H. DeVoe</i> |          |        |
| Printed name | Charles H. DeVoe        |          |        |
| Date         | November 30, 2004       | Reg. No. | 37,305 |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

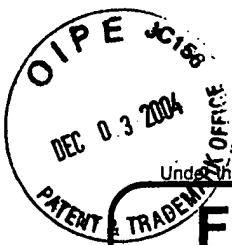
Josi Bridges

Date November 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 106.00)

## Complete if Known

|                      |                      |
|----------------------|----------------------|
| Application Number   | 10/660,344           |
| Filing Date          | September 10, 2003   |
| First Named Inventor | Darin Barri          |
| Examiner Name        | Urszula M. Cegielnik |
| Art Unit             | 3712                 |
| Attorney Docket No.  | MAT 3H5              |

## METHOD OF PAYMENT (check all that apply)

Check    Credit card    Money Order    Other    None

 Deposit Account:

|                        |         |
|------------------------|---------|
| Deposit Account Number | 11-1540 |
| Deposit Account Name   |         |

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below    Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity        | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|---------------------|--------------|---------------|---------------|------------------------|----------|
| 1001 790            | 2001 395     |               |               | Utility filing fee     |          |
| 1002 350            | 2002 175     |               |               | Design filing fee      |          |
| 1003 550            | 2003 275     |               |               | Plant filing fee       |          |
| 1004 790            | 2004 395     |               |               | Reissue filing fee     |          |
| 1005 160            | 2005 80      |               |               | Provisional filing fee |          |
| <b>SUBTOTAL (1)</b> |              | (\$ 0.00)     |               |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
| 32           | -20** = 12         |                    | 3            | X 18           | = 18.00  |
| 5            | -3** = 2           |                    | 1            | X 88           | = 88.00  |
|              |                    |                    |              |                |          |

| Large Entity        | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description  |
|---------------------|--------------|---------------|---------------|--|
| 1202 18             | 2202 9       |               |               | Claims in excess of 20                                     |
| 1201 88             | 2201 44      |               |               | Independent claims in excess of 3                          |
| 1203 300            | 2203 150     |               |               | Multiple dependent claim, if not paid                      |
| 1204 88             | 2204 44      |               |               | ** Reissue independent claims over original patent         |
| 1205 18             | 2205 9       |               |               | ** Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b> |              | (\$ 106.00)   |               |  |

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity   Small Entity

| Fee Code (\$) | Fee (\$) | Fee Code (\$) | Fee (\$) | Fee Description  | Fee Paid |
|---------------|----------|---------------|----------|--|----------|
| 1051          | 130      | 2051          | 65       | Surcharge - late filing fee or oath  |          |
| 1052          | 50       | 2052          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053          | 130      | 1053          | 130      | Non-English specification  |          |
| 1812          | 2,520    | 1812          | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804          | 920*     | 1804          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805          | 1,840*   | 1805          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251          | 110      | 2251          | 55       | Extension for reply within first month                                     |          |
| 1252          | 430      | 2252          | 215      | Extension for reply within second month                                    |          |
| 1253          | 980      | 2253          | 490      | Extension for reply within third month                                     |          |
| 1254          | 1,530    | 2254          | 765      | Extension for reply within fourth month                                    |          |
| 1255          | 2,080    | 2255          | 1,040    | Extension for reply within fifth month                                     |          |
| 1401          | 340      | 2401          | 170      | Notice of Appeal   |          |
| 1402          | 340      | 2402          | 170      | Filing a brief in support of an appeal                                     |          |
| 1403          | 300      | 2403          | 150      | Request for oral hearing   |          |
| 1451          | 1,510    | 1451          | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452          | 110      | 2452          | 55       | Petition to revive - unavoidable   |          |
| 1453          | 1,330    | 2453          | 665      | Petition to revive - unintentional   |          |
| 1501          | 1,370    | 2501          | 685      | Utility issue fee (or reissue)   |          |
| 1502          | 490      | 2502          | 245      | Design issue fee   |          |
| 1503          | 660      | 2503          | 330      | Plant issue fee  |          |
| 1460          | 130      | 1460          | 130      | Petitions to the Commissioner  |          |
| 1807          | 50       | 1807          | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806          | 180      | 1806          | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021          | 40       | 8021          | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809          | 790      | 2809          | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810          | 790      | 2810          | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801          | 790      | 2801          | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802          | 900      | 1802          | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$ 0.00)

## SUBMITTED BY

(Complete if applicable)

|                   |                  |                                      |                   |                          |
|-------------------|------------------|--------------------------------------|-------------------|--------------------------|
| Name (Print/Type) | Charles H. DeVoe | Registration No.<br>(Attorney/Agent) | 37,305            | Telephone (503) 224-6655 |
| Signature         |                  | Date                                 | November 30, 2004 |                          |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Date: November 30, 2004

DARIN BARRI et al.

Our File MAT 3H5

Serial No. : 10/660,344

Examiner U. M. Cegelnik

Filed : September 10, 2003

Group Art Unit 3712

For : BREATH-SENSITIVE TOY

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION**

In response to the Office action dated August 30, 2004, please consider the following amendments and remarks:

|                                 |                 |
|---------------------------------|-----------------|
| Amendments to the Specification | None            |
| Amendments to the Claims        | Begin on page 2 |
| Amendments to the Drawings      | None            |
| Remarks                         | Begin on page 8 |

12/03/2004 ZJUHAR1 00000057 10660344

01 FC:1201

88.00 0P  
02 FC:1202